IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4576 of 2006()

CRA.172/1998 of ADDL. SESSIONS COURT, (ADHOC), PALAKKAD
ST.4431/1997 of JUDL.MAGISTRATE OF FIRST CLASS COURT, CHITTUR

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REVN. PETITIONER:

KRISHNAKUMAR, S/O.GOPALAN CHETTIAR,
AGED 43 YEARS, RUGMANI NIVAS,
VALLENGHY, NENMARA, PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENTS:

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1. V.K.PRABHAKARA MENON, S/O.LATE M.PANKKU MENON,
AGED 79 YEARS, RESIDING AT KRISHNA NIVAS,
KOLLENGODE II VILLAGE, CHITTUR, PALAKKAD DISTRICT.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAULAM.

PUBLIC PROSECUTOR SRI.C.K.SURESH
BY ADV. SMT.NAJI LONAPPAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

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Crl.R.P. No.4576 of 2006

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Dated this 21st day of December, 2006.

ORDER

Revision Petitioner is the accused in S.T. No. 4431 of 1997 on the file of the Judicial Firsts Class Magistrate, Chittur. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of 2 months and to pay a fine of Rs.2000/-, in default S.I. for a further period of one month under section 138 of the Negotiable Instruments Act. In appeal filed by him, the conviction and sentence were confirmed. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.13301/2006 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and that the amount involved is also paid by the petitioner to the first respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.No.13301/2006 and Revision Petition are allowed.

Krs. **K. HEMA, JUDGE.**